

POWER OF ATTORNEY

Network Appliance, Incorporated

I, the undersigned, as attorney(s) of the application for United States Letters Patent for an invention entitled:

WRITE ANYWHERE FILE SYSTEM LAYOUT

invented by:

David Hitz, Michael Malcolm, James Lau, and Byron Rakitzis☐

executed on even date herewith, or

X

having serial No. 08/454,921, filed May 31, 1995

do(es) hereby appoint Kenneth D'Alessandro, Registration No. 29,144, David B. Ritchie, Registration No. 31,562, Steven A. Swernofsky, Registration No. 33,040, and Jonathan H. Schafer, Registration No. 36,915 as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. A copy of which is attached.

Please send all correspondence and direct all telephone calls to:

Steven A. Swernofsky
D'Alessandro & Ritchie
P.O. Box 640640
San Jose, CA 95164-0640
Telephone (818) 355-9210

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

I, the undersigned, declare that I am the (an) assignee of the above identified application, or, if the assignee is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the assignee and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Full Assignee
Name

Network Appliance, Incorporated

Post Office
Address

319 North Bernardo Avenue, Mountain View, California 94043

Signature of Declarant
or Assignee

Date

Typed Name of
Person Signing

Title of Person
Signing

Daniel WarmenhovenPresident & CEO

Applicant or Patentee: David Hitz, et al.

Serial or Patent No.: 08/ 454,921

Filed or Issued: May 31, 1995

For: WRITE ANYWHERE FILE-SYSTEM LAYOUT

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. 1.9(f) and 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern identified below and empowered to act on its behalf.

NAME OF BUSINESS: Network Appliance, Incorporated

ADDRESS OF BUSINESS: 319 North Bernardo Avenue, Mountain View, California 94043

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled:

WRITE ANYWHERE FILE-SYSTEM LAYOUTby inventor(s): David Hitz, Michael Mabolin, James Lau, Byron Bakitzis

described in:

- ☐ the specification filed herewith
- ☒ application Serial No. 08/ 454,921, filed May 31, 1995
- ☐ patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than an inventor who qualifies as an individual inventor pursuant to 37 C.F.R. §1.9(c), who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).*

*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

Daniel Warmenhoven

President & CEO

Name of Person Signing

Title of Person Signing

Network Appliance, Inc., 319 North Bernardo Avenue, Mountain View, California 94043

Address of Person Signing



Signature

7-31-95

Date